



DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
[Project No. 10853-027]

Otter Tail Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Request for temporary variance of Article 401
- b. Project No: 10853-027
- c. Date Filed: May 3, 2022
- d. Applicant: Otter Tail Power Company (licensee)
- e. Name of Project: Otter Tail River Hydroelectric Project
- f. Location: The project is located on the Otter Tail River, in Otter Tail County, Minnesota. The project does not occupy federal lands.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791a - 825r
- h. Applicant Contact: Darin Solberg, Dsolberg@otpc.com
- i. FERC Contact: Margaret Noonan, (202) 502-8971,
Margaret.Noonan@ferc.gov
- j. Deadline for filing comments, motions to intervene, and protests: 30 days from the date of notice issuance.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket

number P-10853-027. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. **Description of Request:** The applicant proposes a temporary variance from the target water surface elevation requirements of Article 401 of the license for Hoot Diversion Dam reservoir (1,256.00 mean sea level). The licensee states that over the past several months, it had been unable to maintain the newly established target elevation at the Hoot Diversion Dam reservoir due to (1) unusually low inflow within the past year, requiring the licensee to cease hydropower operations at Hoot Lake in order to maintain minimum flow in the bypassed reach; and (2) the decommissioning of the Hoot Lake thermal plant on May 31, 2021, which previously drew approximately 200 cubic feet per second from Hoot Lake. With no outflow from Hoot Lake, the reservoir levels in Hoot Lake and the Hoot Diversion Dam reservoir equalized. The licensee lowered the elevation at Hoot Diversion Dam reservoir by approximately 1.6 feet in response to prevent the water level in Hoot Lake from rising above its maximum allowed elevation. The licensee has been consulting with Minnesota Department of Natural Resources to discuss possible engineering solutions to resolve the reservoir elevation issue. To allow time for the licensee to consult, design, and implement a solution, the licensee requests the variance extend until December 31, 2022.

l. **Locations of the Application:** This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FEROnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. **Comments, Protests, or Motions to Intervene:** Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. **Filing and Service of Documents:** Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the

application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: October 6, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

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